



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEAL AND INTERFERENCES

Appeal Brief (3)

18

6/25/02

B Ross

In re: Patent Application of
Wright et al.

) Appeal Brief
) dated June 17, 2002
)
) Group Art Unit 3727
)
) Examiner: Jes F. Pascua
)
)

Serial No.: 09/415,696

Filed: October 12, 1999

Title: RECLOSABLE FASTENER PROFILE
SEAL AND METHOD OF FORMING A
FASTENER PROFILE ASSEMBLY

APPEAL BRIEF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Sir:

Appellant has appealed from the rejection of claims 1, 4-10 and 18-19 in the final Official Action dated October 16, 2001. An Advisory Action dated April 24, 2002, confirmed the rejection, reported April 16, 2002 as filing date of the Notice of Appeal, and noted that Appellant is permitted to file a brief within a two month period beginning on the filing date of the Notice of Appeal. This Appeal Brief is submitted in triplicate as required by 37 CFR 1.192 (a). A check for \$160.00 in payment of the fee required by 37 CFR 1.17(c) is attached.

REAL PARTY IN INTEREST

The parties named in the caption, Donald K. Wright et al., are inventors and applicants for the subject application and have since assigned their entire interest in the invention to the Appellant, Com-Pac International, Inc., a corporation having a place of business at 800 Industrial Park Road, P.O. Box 2707, Carbondale, Illinois 62902.

RELATED APPEALS AND INTERFERENCE

There are no related appeals or interference proceedings.

STATUS OF CLAIMS

Claims 1, 4-10, and 18-19 stand finally rejected under 35 U.S.C. 102(b). Appellant filed an amendment on August 8, 2001, amending Claim 4 and canceling Claims 11, 13-17 and 21. Appellant filed an amendment on February 19, 2002, canceling Claims 2, 3, 12 and 20. Reconsideration of the Claims was requested.

STATUS OF AMENDMENTS

The Examiner has indicated that the amendments filed by Appellant on February 19, 2002, would be entered upon filing an appeal. These amendments are to Claims 1 and 18. Claims 2, 3, 12 and 20 were cancelled. Therefore, the claims affected by this amendment are Claims 1, 2, 3, 12, 18, and 20.

SUMMARY OF THE INVENTION

The present invention provides a reclosable fastener profile seal assembly **10**, as depicted in Figures 1-4 of the subject specification, and a reclosable storage bag **84** including the reclosable fastener profile seal assembly **70**, as depicted in Figures 7-8 of the subject specification. The reclosable fastener profile assembly **10** comprises a first profile strip **14** including at least one rib **30** that extends from the surface **26** of the first strip **10** and a second profile strip **18** opposite the first strip **14**. The second strip **18** includes at least two ribs **50, 54** that extend from the surface **46** of the second strip **18**. The rib **30** of the first strip **14** and the ribs **50, 54** of the second strip **18** are adapted to sealingly engage and maintain an airtight seal when so engaged. (See page 5, line 8 to page 6, line 5 of the subject specification.)

The assembly **10** also comprises a compression molded segment seal **22** which includes a fused section (shown in Figures 1 and 5-7, not numbered) of the first and second profile strips **14, 18** formed through the application of heat and pressure. The fused section is substantially flattened to form an airtight seal of the first and second profile strips **14, 18**, without distorting the ribs **30, 50, 54** of the first and second profile strips **14, 18** outside of the fused section, thereby maintaining the airtight seal of the first and second profile strips **14, 18** when interlocked. (See page 6, lines 6-14 of the subject specification.)

The reclosable storage bag 84 comprises a first bag wall 72, a second bag wall 74 and a completed reclosable fastener profile assembly 70 having two compression molded segment seals 22, 24. (See page 7, lines 1-20 of the subject specification.)

CLAIM ISSUES

1. Whether claims 1, 4, 6-10 and 18-19 are patentable under 35 U.S.C. Section 102(b) over U.S. Patent 4,589,145, issued to Van Erden et al. on May 13, 1986.
2. Whether claims 1, 4, 6-8, 10 and 18-19 are patentable under 35 U.S.C. Section 102(b) over U.S. Patent 5,024,537, issued to Tilman on June 18, 1991.
3. Whether claims 1, 5, 6, 8 and 10 are patentable under 35 U.S.C. Section 102(b) over U.S. Patent 5,071,689 issued to Tilman on December 10, 1991.

GROUPING OF CLAIMS

Claim 1, 4-10 stand or fall together.

ARGUMENT

Claim 1: Rejection under 35 U.S.C. § 102(b) over the Van Erden '145, the Tilman '537 and the Tilman '689 patents, respectively.

In order to rebut a *prima facie case* of anticipation asserted by the Examiner over each of the cited references, Appellant filed two declarations including expert opinions supported by photographs and experimental results. The declarations prove that the product of a prior art method known as "spot sealing", which is described in each of the cited references, does not include certain claim elements specified in Claim 1. The Examiner did not find the declarations persuasive. However, there is essentially no evidence in the cited references, or the record as a whole, that the product of the prior art "spot sealing" method includes these claim elements specified in Claim 1.

In rejecting the claims at issue, the Examiner stated at page 3, lines 4-17, of the final Official Action dated October 16, 2001, as follows:

"Applicant argues that the spot sealing of the cited prior art is different from "compression molding" of applicant's claims because spot sealing requires rapidly

heating and applying pressure whereas compression molding requires gradual heating and applying pressure.”

“There is no structure in the prior art that would indicate whether the spot seal of the cited prior art was formed by rapid heating and pressure or gradual heating and pressure. Therefore, the spot seals of the cited prior art are considered to meet applicant’s recitation of ‘compression molding’. “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 U.S.P.Q. 964, 966 (Fed. Cir. 1985).

A. Questions presented:

1. Do prior art products produced by a method known as “spot sealing” meet the recitation of “compression molded seal” in Claim 1?

2. Is it improper to find that the product specified in Claim 1 is the same as or obvious from a product of the prior art produced by a method known in the art as “spot sealing”, when the record includes unrebutted and unopposed expert opinion evidence that the products are distinguishable by their performance in maintaining an airtight seal?

3. Is it improper to find that the product specified in Claim 1 is the same as or obvious from a product of the prior art produced by a method known in the art as “spot sealing”, when the record includes unrebutted and unopposed experimental evidence that the products are distinguishable by their performance in maintaining an airtight seal?

4. Do any of the cited references inherently anticipate a compression molded seal, as recited in Claim 1?

B. Contentions of Appellant

1. Appellant contends that prior art products produced by a method known as “Spot Sealing” do not meet the recitation of “compression molding” in Claim 1 because the Spot Sealing products do not include a compression molded segment seal including a

fused section of the first and second profile strips formed through the application of heat and pressure; the fused section substantially flattened to form an airtight seal of the first and second profile strips, without distorting the ribs of the first and second profile strips outside of the fused section, thereby maintaining an airtight seal as recited in Claim 1.

“Spot sealing” is a term of art that has a definite meaning in the field of reclosable fastener manufacturing. (See first Declaration of Wright and Pemberton dated April 15, 2002, at Paragraph 10 and Exhibit II.) However, “spot sealing a zipper profile of a reclosable fastener for a bag does not ordinarily produce an air tight seal; the seal is simply crushed and melted leaving voids through the seal.” (See first Declaration at Paragraph 11.)

The comparison of Exhibits I and II provided in the first Declaration is useful for pinpointing the differences between a compression molded seal, shown in Exhibit I, and a spot seal, shown in Exhibit II. Reclosable fastener strips composed of a plastic material and having longitudinal interlocking ribs are shown extending across the length of each of these Exhibits. Approximately midway along each of the reclosable strips is a fused section where the ribs are deformed by partial melting and resolidifying.

Exhibit I shows that the fused section of the compression molded seal is substantially flattened, having been substantially fused and flattened in a fluid state in which the plastic material flowed smoothly outward from the center of the fused section along the length of the ribs. The plastic flow penetrated and, upon solidification, effectively plugged any voids between mating ribs that might otherwise leak air. Within the fused section, the plastic flow is visible between two hemispherical boundaries, which correspond to the shape of a compression molding tool which relatively gradually applied heat and pressure to the fused section in Exhibit I. Outside of the fused section, the ribs are not distorted.

In contrast, Exhibit II shows that the spot seal fused section is not substantially flattened, and does not appear to have been substantially fused. There is no indication of a flow of plastic having flowed smoothly outward from the center of the fused section. Any voids which were present along the length of the ribs are likely still there to serve as conduits for leaking air. Additionally, inspection of the boundaries of

the spot seal fused section reveals that the ribs immediately outside of the fused section are distorted.

The above-described structural and functional differences between the seals shown in Exhibits I and II are typical of the differences between compression molded seals and spot seals, generally. Therefore, prior art products produced by spot sealing are structurally different from the compression molded seal of Claim 1 in ways that go to the heart of the invention, and can be used to distinguish a spot seal from the compression molded seal of Claim 1. More particularly, spot sealing a zipper profile of a reclosable fastener for a bag does not in the opinion of experts ordinarily produce an air tight seal. (See first Declaration at Paragraph 11.) Claim 1, in contrast, recites "maintaining said airtight seal of said first and second profile strips when interlocked."

In addition to the expert opinions communicated in the first Declaration, Appellant provided a second Declaration of Wright and Pemberton dated April 15, 2002. The second Declaration includes Exhibit I, which is a table of vacuum test results for reclosable bags of the invention and for five types of commercially obtained bags having spot seals. The second Declaration is accompanied by a video tape of the testing. Both the test results set forth in Exhibit I and the video tape demonstrate that spot seals leak air and compression molded seals maintain an airtight seal when subjected to a differential pressure of about 15 Hg.

In re Thorpe, cited by the Examiner, is inapplicable to the subject application because Thorpe did not assert that the product of his process is different from the prior art. In re Thorpe, 777 F.2d 695, 698, 227 U.S.P.Q. 964, 966 (Fed. Cir. 1985). In contrast, Appellant contends in the present case that his product is distinguishable from the prior art product and has pointed out specific structure and improved performance which can be used to differentiate the prior art product from the compression molded seals of Claim 1. Additionally, the court's decision in In re Thorpe was directed to a product-by-process claim analysis, which is not appropriate for Claim 1. Although Claim 1 specifies a product that can be manufactured by a number of processes.

Because the prior art products produced by spot sealing have structure which distinguishes the spot seals from a compression molded seal specified in Claim 1,

and because prior art products produced by spot sealing do not maintain an airtight seal, as recited in Claim 1, the descriptions of spot seals in the Van Erden '145, the Tilman '537 and the Tilman '689 patents, respectively, cannot anticipate Claim 1 of the subject application.

2. Appellant contends that the Examiner cannot reject the expert opinion evidence of record in the absence of any evidence indicating that a prior art product produced by a method known as "spot sealing" maintains an airtight seal.

Claim 1 of the subject application recites "a compression molded segment seal including a fused section of the first and second profile strips formed through the application of heat and pressure; the fused section substantially flattened to form an airtight seal of the first and second profile strips, without distorting the ribs of the first and second profile strips outside of the fused section, thereby maintaining an airtight seal." (Underlining is added herein for emphasis). The Examiner found that "the spot seals of the cited prior art are considered to meet applicant's recitation of 'compression molding'." (See page 3, lines 10-11 of the Official Action dated October 16, 2001.) This finding cannot be supported unless the weight of evidence indicates that one or more of the cited prior art references discloses, expressly or inherently, that spot seals are capable of maintaining an air tight seal. To the contrary, the cited references do not disclose an air tight seal, and all other evidence in the record indicates that the spot seals of the prior art are not air tight.

The record contains unrebutted and unopposed expert opinion evidence indicating that spot seals are not air tight. In the first Declaration at Paragraph 11, Wright and Pemberton declare that, in their expert opinions, "spot sealing of a zipper profile of a reclosable fastener for a bag does not ordinarily produce an air tight seal, the seal is simply crushed and melted leaving voids through the seal. In our experience such spot sealed zipper profiles are not air tight."

Additionally, the first Declaration includes factual evidence in the form of a photograph of a compression molded seal, a photograph of a reclosable fastener having a spot seal, and photographs of two bags attached to reclosable fasteners having spot seals. (See Exhibits II, IV and V of the first Declaration.) Inspection of the photographs

reveals that the spot seals do not include a fused section which is (a) substantially flattened to form an airtight seal, (b) without distorting ribs outside of the fused section, thereby (c) maintaining an air tight seal, as recited in Claim 1. The spot seal fastener and bags were purchased in a local supermarket and, after photographing, were sent to the Examiner along with the compression molded seal.

The first Declaration also establishes that Donald K. Wright and Christopher Pemberton, two of the three inventors listed for the subject application, are both experts in the field of reclosable fastener manufacturing. (See first Declaration at Paragraphs 1-6.) Because these expert opinions of Wright and Pemberton are evidence regarding the issue of whether the spot seals are capable of maintaining an air tight seal, these expert opinions must be considered and weighed against any evidence to the contrary.

The Declarations of Wright and Pemberton must be considered in construing the cited references. In order for any of the cited references to anticipate Claim 1, it must identically disclose or describe the compression molded seal including a fused section and maintaining an airtight seal as recited in Claim 1. In particular, the term "spot sealing," as it is employed in each of the references, must be construed to determine whether it means a seal method which is capable of maintaining an airtight seal.

The United States Court of Customs and Patent Appeals provides a model for utilizing expert opinions to determine anticipation in its decision In re Meyer, 599 F.2d 1026, 202 U.S.P.Q. 175 (CCPA 1979). In the case, an allegedly anticipating reference that had been translated from the German to the English language referred to "alkaline chlorine or bromine solution." At issue was whether this phrase identically discloses or describes "alkali metal hypochlorite." An affidavit was provided by William Bertsche, the individual who prepared the translation, stating that "alkaline chlorine or bromine solution" in the translated reference means a basic chlorine or bromine solution, and not an alkali solution of chlorine or bromine. The court considered the affidavit, agreed with its construction of the disputed term and reversed the rejection under §102(b). Id. at 1032.

Applying the model to the present case, "spot sealing" must be construed to determine whether the prior art seal produced by spot sealing is air tight. The model indicates that it is proper to consider declarations, exhibits and affidavits containing opinion evidence supported by factual evidence in order to interpret a disputed term of an allegedly anticipating reference. Consistent with this model, the first Declaration includes expert witness opinion evidence supported by photographs of seals of both kinds to aid in the interpretation of the term "spot sealing." The evidence in the first Declaration tends to prove that "spot sealing" does not produce a seal capable of maintaining an airtight seal.

Moreover, there is no evidence in the record tending to prove that the prior art spot seals maintain an air tight seal. No opposing declarations, affidavits or exhibits have been reported. Additionally, none of the cited references makes any mention of an air tight seal or air tight sealing.

The Van Erden et al. '145 patent describes a reclosable package adapted for continuous in-line form, fill and seal production. In order to keep zipper means 27 closed throughout the wrapping process, zipper means 27 is provided with spot seals 47 at intervals along the zipper at which the wrappers for individual product articles 18 will be sealed across wrapper material 20. The Van Erden et al. '145 patent reports that seals 47 advantageously reduce the thickness of the material layers to be cross-sealed, so as not to impair the normal operation of fill machine 19. (See Column 7, lines 6-18 of the Van Erden et al. '145 patent.)

The Van Erden et al. '145 patent does not teach the use of spot seal 47 to produce an air tight seal. To the contrary, the Van Erden et al. '145 patent states that fold 31, which is located outwardly from zipper 27, provides a closure web which is relied upon to maintain the sealed integrity of the package. At most, the Van Erden et al. '145 patent teaches that spot seals 47 are useful for holding closed the grooves of zipper 28, when chunky product 18 would otherwise fill the grooves of zipper strips 28. (See Column 5, line 62 to Col. 6, line 4 of the Van Erden et al. '145 patent.)

The Tilman '537 patent describes straight zipper sections 22 mounted on a carrier tape 28 in longitudinal series orientation for fan folding and packing into a storage

container. According to the Tilman '537 patent, complementary zipper profiles 13 and 14 are disposed along respective margins of strips 10 and 11, with strips 10 and 11 extending in opposite directions from the margins to provide respective base flanges 15. Profile areas at the ends of zipper sections 22 are provided with spot seals 23, which flatten the profile areas to nearer the thickness of flange 15. The Tilman '37 patent reports that this flattening by spot seal 23 facilitates subsequent sealing of the ends of the strips 10 and 11 into side seals of bags. (See Column 2, lines 54-61, of the Tilman '537 patent.)

However, the Tilman '537 patent does not teach the use of spot seal 23 to produce an air tight seal. At most, the Tilman '537 patent teaches that spot seal 23 is useful for flattening the profile areas at the ends of zipper sections 22 to facilitate subsequent sealing of the ends of strips 10 and 11 into side seals of bags by another process. (See Column 2, lines 57-61, of the Tilman '537 patent.)

The Tilman '689 patent describes hinge forming spot sealing means 19 that reportedly seal combination end seal and hinge 21 connecting adjacent ends of straight zipper assembly sections 22. (See Col. 2, line 62 to Col. 3, line 6 of the Tilman '689 patent.) Fig. 8 of the Tilman '689 patent depicts a package which utilizes end seal and hinge 21 and zipper assembly sections 22 as secondary, internal components that are surrounded by side seals 30. However, the Tilman '689 patent does not specify what type of seal is intended or, more importantly, whether the seal is airtight.

In a recent, unpublished decision entitled Scholle Corporation v. Packaging System, LLC, 2001 U.S. App. LEXIS 11772, the Federal Circuit Court of Appeals described a process of claim construction which, while not binding on this Board, may be instructive in light of its similarity to the facts of the present case. In overturning a summary judgement of non-infringement, the Court of Appeals construed Claims 15 and 33, which recite, in pertinent part:

“Claim 15....means operable upon completion of a filling cycle for moving said plate toward said filling machine for causing an internal wall of the container to engage about and seal off said aperture to exclude entry of foreign matter until the aperture is closed by a cap.”

● ●

“Claim 33...moving an internal wall of the bag into overlying relationship relative to the inner end of the spout to seal off the spout and exclude entry of foreign. . . ”

Scholle at 8-9 (emphasis added.).

The District Court previously interpreted the term ‘seal’ in Claim 15 and 33, to mean ‘airtight seal.’ The Court of Appeals disagreed, stating that “[a]n airtight seal is only one of many possible seals...Whatever the dictionary definition of seal is, here the definition of in the specification makes clear that only a ‘substantial seal’ is required.” Scholle at 10.

Because the cited references do not provide any evidence indicating that the spot seal of the prior art is air tight, because the expert opinions relate to a specific claim element and are supported by factual evidence and because there is no other evidence in the record that weighs against the above-described expert opinions, the finding that “the spot seals of the cited prior art are considered to meet applicant’s recitation of ‘compression molding’ ” is inappropriate and must be withdrawn.

3. Appellant contends that the Examiner cannot find against the experimental evidence of record in the absence of any evidence indicating that a prior art product produced by a method known as “spot sealing” maintains an airtight seal.

The record also contains unrebutted and unopposed experimental evidence indicating that spot seals are not air tight. The second Declaration is accompanied by Exhibit I, which “is a chart showing vacuum testing of plastic bags having fasteners compression molded to the bag walls and five other sets of plastic bags all using ultrasonic sealers to apply spot seals to seal the ends of the fastener strips to the bag walls.” (See Exhibit 1 and Paragraph 1 of the second Declaration.) The spot seal bags were purchased at a local grocery store. Wright and Pemberton declare that “the testing revealed that the bags having spot sealing at the ends of their fastener profiles leaked and are, therefore, not airtight.” (See Paragraph 2 of the second Declaration.) A videotape showing the testing procedure and results accompanied the second Declaration.

The second Declaration provides expert opinions supported by factual experimental evidence relating specifically to maintaining an airtight seal, which is a claim element recited in Claim 1. The experimental evidence goes directly to the probability of the prior art spot seal maintaining an air tight seal. Therefore, the expert opinions and the experimental evidence of the second Declaration should be considered. “The testimony of the inventor may . . . provide background information, including explanation of the problems that existed at the time the invention was made and the inventor’s solution to these problems.” See, e.g., Voice Technologies Group, Inc. v. VMC Systems, Inc., 164 F.3d 605, 615, 49 U.S.P.Q.2d 1333, 1341 (Fed.Cir. 1999); Hoechst Celanese Corp.. v. BP Chemicals Ltd., 78 F.3d 1575, 1580, 38 U.S.P.Q.2d 1126, 1130 (Fed. Cir. 1996).

There is no evidence in the record that tends to prove that the cited prior art discloses, expressly or inherently, that spot seals maintaining an air tight seal. Accordingly, the *prima facie* case of anticipation asserted by the Examiner is easily rebutted by the experimental evidence of the second Declaration. Therefore, the finding that “the spot seals of the cited prior art are considered to meet applicant’s recitation of ‘compression molding’ is inappropriate and must be withdrawn.

4. Appellant contends that none of the cited references inherently anticipate the compression molded seal, as recited in Claim 1, because the purported capability of the spot seals which they describe for maintaining an airtight seal is no more than a possibility.

Anticipation under 35 U.S.C. section 102(b) “is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of the claimed invention.” RCA Corp. v. Applied Digital Data Sys., Inc., 730 F2d 1440, 1444, 221U.S.P.Q.385, 388 (Fed.Cir.1984). “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient... Continental Can Co. USA, Inc. v. Monsanto Co., 948 F.2d 1264, 1268-9, 20U.S.P.Q.2d 1746, 1749 (Fed.Cir.1991) (citations omitted) (quoting In re Oelrich, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326, (CCPA 1981).

None of the cited references expressly state that spot sealing produces an airtight seal. In the first Declaration at Paragraph 11, Wright and Pemberton declare that, in their expert opinions, "spot sealing of a zipper profile of a reclosable fastener for a bag does not ordinarily produce an air tight seal, the seal is simply crushed and melted leaving voids through the seal. In our experience such spot sealed zipper profiles are not air tight."

The second Declaration is accompanied by Exhibit I, which "is a chart showing vacuum testing of plastic bags having fasteners compression molded to the bag walls and five other sets of plastic bags all using ultrasonic sealers to apply spot seals to seal the ends of the fastener strips to the bag walls." (See Exhibit 1 and Paragraph 1 of the second Declaration.) Wright and Pemberton declare that "the testing revealed that the bags having spot sealing at the ends of their fastener profiles leaked and are, therefore, not airtight." (See Paragraph 2 of the second Declaration.)

Because only five sets of plastic bags using spot seals to seal the ends of the fastener strips to the bag walls were tested, it is possible that there are other bags using spot seals which can maintain an airtight seal. However, this possibility does not rise to a level that can anticipate the compression molded seal of Claim 1. "Occasional results are not inherent." Mehl/Biophile International Corp. v. Sandy Milgraum, M.D., 192 F.3d 1362, 1365, 52 U.S.P.Q.2d 1303, 1306 (Fed. Cir. 1999). "There must be evidence that the missing element is necessary to the prior art." In re Robertson, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999).

Appellant respectfully submits that the claims as amended are in condition for allowance, and requests the Board to allow the claims as set forth in this appeal.

APPENDED CLAIMS

The pending claims of the subject application as presently on file in the U.S. Patent and Trademark Office are appended hereto.

CONCLUSION

In view of the foregoing, reversal of the Examiner's rejections is respectfully requested.

Respectfully submitted,

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APPENDIX A

The claims of the instant application as presently on file in the U.S. Patent and Trademark Office are appended hereto.

THE CLAIMS ON APPEAL

1. A reclosable fastener profile assembly, said assembly comprising:
 - a continuous supply of a first profile strip including at least one rib that extends from the surface of said first strip;
 - a continuous supply of a second profile strip opposite said first strip; said second strip including at least two ribs that extend from the surface of said second strip; said rib of said first strip and said ribs of said second strip adapted to sealingly engage and maintain an airtight seal when so engaged; and
 - a compression molded segment seal portion fusing said first profile strip, said second profile strip and said ribs of said first profile strip and said second strip; said compression molded segment seal including a fused section of said first and second profile strips formed through the application of heat and pressure; said fused section substantially flattened to form an airtight seal of said first and second profile strips, without distorting said ribs of said first and second profile strips outside of said fused section, thereby maintaining said airtight seal of said first and second profile strips when interlocked.

4. The reclosable fastener profile assembly of claim 1, wherein said compression molded segment seal includes a severing portion of said first profile strip and said second profile strip for cutting said fastener profile and creating an individual profile fastener assembly.
5. The reclosable fastener profile assembly of claim 1, wherein said continuous supply of first profile strips, said continuous supply of second profile strips and a plurality of said compression molded segment seal create a continuous linear supply of profile fastener assemblies.
6. The reclosable fastener profile assembly of claim 1, wherein said first profile strip and said second profile strip are configured to fittingly mate together such that said first profile strip is flush with said second profile strip when said first profile strip and said second profile are engaged.
7. The reclosable fastener profile assembly of claim 1, wherein said ribs of first and second strips have respective head portions and neck portions, wherein said head portions are arcuate in profile.
8. The reclosable fastener profile assembly of claim 1, wherein said first strip includes a first end and a second end, said second strip further including a first end and second end, wherein respective first ends and respective second ends of said first and second strips are created through application of said compression molded segment seal.
9. The reclosable fastener profile assembly of claim 1, wherein said ribs of said first and second strips have respective head portions and neck portions, and wherein said head portions are wider than said neck portions.

10. The reclosable fastener profile assembly of claim 1, wherein said second strip includes one more rib than said first strip.
18. A reclosable storage bag comprising:
- a first bag wall;
 - a second bag wall; and
 - a reclosable fastener profile assembly, said assembly comprising:
 - a first profile strip including at least one rib that extends from the surface of said first strip;
 - a second profile strip opposite said first strip said strip including at least two ribs that extend from the surface of said second strip; said rib of said first strip and said ribs of said second strip adapted to sealingly engage and maintain an airtight seal when so engaged; and
 - a compression molded segment seal portion fusing said first profile strip, said second profile strip and said ribs of said first profile strip and said second profile strip; said compression molded segment seal including a fused section of said first and second profile strips formed through the application of heat and pressure; said fused section substantially flattened to form an airtight seal of said first and second profile strips, without distorting said ribs of said first and second profile strips outside of said fused section, thereby maintaining said airtight seal of said first and second profile strips when interlocked; wherein said first profile strip and said second profile strip are heat sealed to said first bag wall and said second bag wall, respectively.

19. The reclosable fastener profile assembly of claim 1, wherein said profile assembly further includes:

a first bag wall; and

a second bag wall where edges of said first and second bag walls are sealed together thereby defining an inner bag.

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